

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

In re:) Chapter 11
)
EASTERN LIVESTOCK CO., LLC,) Case No. 10-93904-BHL-11
)
Debtor.)

**MOTION TO APPROVE ADDITIONAL IMMATERIAL MODIFICATION TO
TRUSTEE'S FIRST AMENDED CHAPTER 11 PLAN OF LIQUIDATION ON
SHORTENED AND LIMITED NOTICE**

James A. Knauer, the duly appointed chapter 11 trustee (the "Trustee") for Eastern Livestock Co., LLC (the "Debtor"), by counsel, hereby requests that the Court approve the additional proposed immaterial modification #4 to the *Trustee's First Amended Chapter 11 Plan of Liquidation* (the "Plan") [Docket No. 1490] as was immaterially modified at the confirmation hearing on December 7, 2012 (the "Confirmation Hearing"). In support, the Trustee states:

1. The immaterial modifications approved at the Confirmation Hearing are listed below as modifications #1, #2 and #3 and are listed for information purposes only. Proposed immaterial modification #4 is being proposed to clarify that any sale or transfer of a claim in this Chapter 11 Case must include a written executed assignment on all claims and causes of action of the original creditor against Fifth Third Bank if the transferee intends to "opt in" to the Fifth Third settlement by executing and returning an Opt In Agreement (as defined in the Plan).

2. The Trustee is requesting shortened and limited notice of the proposed immaterial modification #4 so that should the modification be approved, information may be included in the mailing to all creditors of the Opt In Instructions and Opt In Agreement. Under the Plan, such mailing must occur within five days of the entry of the Confirmation Order.

3. The immaterial modifications approved at the Confirmation Hearing are:

A. Immaterial modification #1

In Article 4.4 of the Plan after the words "Allowed Fifth Third Deficiency Claim," the words "any other Allowed Deficiency Claims allowable as unsecured claims under Bankruptcy Code §§ 502 and 506" will be added.

B. Immaterial modification #2

At the end of Article 4.2 of the Plan, the following words will be added: "To the extent a Class 2 Allowed Claim is determined under Bankruptcy Code §§ 502 and 506 to be only partially secured, any unsecured portion of the Claim shall be Allowable as a Claim 4 Claim."

C. Immaterial modification #3

At the end of Article 7.3 of the Plan, the following words will be added: "If and to the extent the Joplin Settlement is approved by the Court pursuant to Bankruptcy Rule 9019, the Joplin Defendants will be included as parties being released as third parties in Article 7.3 of the Plan."

4. The Trustee requests that the Court approve the below immaterial modification #4 to alert claim sellers and claim buyers of conditions applicable to the sale or transfer of a claim if the claim buyer intends to opt in to the settlement under Article 6 of the Plan. The proposed immaterial modification is to clarify the opt-in provisions and provide information to the claims buying/trading process in this Chapter 11 Case.

Proposed Immaterial Modification #4. At the end of Article 6.1 B. of the Plan and in the Opt In Instructions and as part of the Opt In Agreement, the following words will be added: **"NOTE: any transfer or sale of a creditor's claim must include a fully executed written assignment of all claims and causes of action that the creditor may have against Fifth Third in order for the transferee to opt in and execute an Opt In Agreement. Evidence of the executed written assignment of claims and causes of action against Fifth Third from the transferor of the Claim must accompany the Opt In Agreement if the Opt In Agreement is executed and submitted by a transferee of a Claim."**

WHEREFORE, the Trustee requests that the Court approve the proposed Immaterial Modification #4 and grant the Trustee all other and necessary relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Terry E. Hall

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CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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